1 Michael Berube, In Pro Per 2 P. O. Box 356 FILED Carmel Valley, CA 93924 3 4 (831) 659-5476 MAY 2 0 2008 5 United States Bankruptcy Court San Jose, California 6 UNITED STATES BANKRUPTCY COURT 7 8 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION 9 Case No. 08-50378 10 In re 11 MICHAEL BERUBE, RS No.: MAW-295 12 (Chapter 7) 13 **DEBTOR'S MOTION TO VACATE** 14 15 ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY 16 17 18 19 Date: May 28, 2008 20 Time: 10:30 a.m. 21 Place: Courtroom 3099 22 280 South 1st Street 23 Debtor. San Jose, California 24 TO THE HONORABLE ROGER L. EFREMSKY UNITED STATES 25 26 BANKRUPTCY JUDGE, CHAPTER 7 TRUSTEE, PITE DUNCAN, LLP, AND ALL **OTHER INTERESTED PARTIES:** 27 28

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1	I, MICHAEL BERUBE, Debtor, move the court to Vacate that ORDER GRANTING
2	MOTION FOR RELIEF FROM AUTOMATIC STAY Entered on Docket April 30, 2008 on
3	the following grounds:
4	
5	Andrew Keadey, Mortgage Officer for Chase Home Finance and custodian of the books,
6	records, files and banking records of MORTGAGE ELECTRONIC REGISTRATION
7	SYSTEMS, INC., SOLELY AS NOMINEE FOR ALLIANCE BANCORP, its successors
8	and/or assigns, has executed his signature on four (4) separate declarations containing untrue
9	and incorrect statements in connection with Debtor's Chapter 7 Bankruptcy Case No. 08-
10	50378-RLE.
11	
12	A DECLARATION IN SUPPORT OF MOTION FOR RELIEF FROM AUTOMATIC STAY
13	needs to made with the utmost care to represent facts completely and accurately so as to
14	uphold the integrity of the judicial system especially when decisions formed on said
15	declarations carry serious implications and consequences for the parties.
16	
17	I, MICHAEL BERUBE, Debtor, am requesting that the ORDER GRANTING RELIEF FROM
18	THE AUTOMATIC STAY be vacated and that any scheduled sale of the real property located
19	at 9 Sonoma Lane, Carmel CA be enjoined pending a trial and adjudication on the facts.
20	
21	I declare that if called as a witness, I could testify competently to the truth of the foregoing and
22	the foregoing is executed under penalty of perjury this 20th day of May, 2008, in Monterey
23	County, CA.
24	
25	Michael Berufe
26	Michael Berube, Debtor
27	
28	2

PROOF OF SERVICE 1 2 STATE OF CALIFORNIA, COUNTY OF MONTEREY 3 I am over the age of 18 and not a party to the within action. My address is 54 Southbank 4 5 Road, Carmel Valley, CA 93924. 6 On May 20, 2008, I served the foregoing documents **DEBTOR'S OPPOSITION AND** 7 DECLARATION OPPOSING MOVANT'S AMMENDED MOTION FOR RELIEF 8 9 FROM THE AUTOMATIC STAY, on the interested parties in this action by placing a true copy thereof in sealed envelopes addressed as follows: 10 11 James M. Lauderdale Jr. 12 150 Carmelito Ave. 13 Monterey, CA 93940 14 15 16 Melodie A. Whitson, c/o PITE DUNCAN, LLP 17 525 E. Main Street P.O. Box 12289 18 19 El Cajon, CA 92022-2289 20 21 John W. Richardson

24 Soquel, CA 95073

25

26 U.S. Trustee

27 280 South 1st Street, Room 268

Chapter 7 Trustee

5161 Soquel Dr., #F

San Jose, CA 95113

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I caused such envelopes to be deposited in the mail at Carmel Valley, California. The envelopes were mailed with postage thereon fully prepaid. I am aware that on motion of party served, service is presumed invalid if Postal cancellation date or postage meter date is more than one (1) day after date of deposit of mailing in affidavit.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 20, 2008

Wendy Pendleton